IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17210 of 2007

Dated: October 8, 2007

Between:

B. Ramulu, S/o. Nagaraja, aged about 48 years, Proprietor of M/s. Vimala Electrical and Engineering Works, D.No.1-4-2, Bheem Nagar, Gadwal, Mahboobnagar District.

... Petitioner

And

The President, Primary Agricultural Cooperative Society, Gadwal, Mahaboobnagar District, And another.

... Respondents

Order:

Petitioner, proprietor of electrical and engineering works, being run at D.No.1-4-2, Bheem Nagar, Gadwal, Mahaboobnagar District, has filed this writ petition seeking Mandamus to declare the action of respondents in taking steps to evict him from the aforesaid premises as illegal and arbitrary.

2. Heard learned counsel for the petitioner and Sri S.

Venkateswara Reddy, learned Standing counsel appearing for the respondents.

3. The Primary Agricultural Cooperative Society, Gadwal, is the owner of vacant land admeasuring Ac.0.39 guntas in S.No.453 in Gadwal, Mahaboobnagar District. A portion of the said land was leased out to the petitioner by the P.A.C.S., with permission to construct a shed for running electrical and engineering works and the period of lease was for twelve years with effect from 01-06-1990, with a condition that the petitioner, should, after the expiry of lease, vacate the premises along with structures. The case of the petitioner is that though the lease expired on 31-05-2002, respondents did not insist him to handover the premises and allowed him to continue to be in possession by accepting the rent. His grievance is that respondents are taking steps to evict him from the premises in question without following due process of law.

4. Respondents have filed counter affidavit admitting that lease was granted in favour of the petitioner for a monthly consideration of Rs.75/-. However, it is stated that there is a condition in the lease deed to the effect that after expiry of the lease period, petitioner has to vacate the premises without seeking any compensation, by handing over the shed, site and fittings therein, to the Society. It is also stated that petitioner is in the habit of paying rent irregularly and in view of the same, after repeated requests, notice dated 24-08-2005 was issued asking him to vacate the premises.

5. It is not in dispute that petitioner was granted lease by the respondent-Society for a period of 12 years. Though it is stated that petitioner has violated the conditions and overstayed in the premises in question, respondents have to take steps for eviction of the

petitioner in accordance with law.

6. In the circumstances, I dispose of the writ petition with a direction to the respondents not to evict the petitioner from the premises in question otherwise than by due process of law. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 8, 2007
MRR